APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,949	03/01/2000	Roger H. Kuite	014801-001300US	2970

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EXAMINER
KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
3693	

MAIL DATE	DELIVERY MODE
04/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	09/516,949	KUITE ET AL.
	Examiner	Art Unit	
	STEFANOS KARMIS	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

    (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ They raise the issue of new matter (see NOTE below);

    (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

    _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

                                     /Stefanos Karmis/
                                     Primary Examiner, Art Unit 3693

Applicant argues that McDonald in view of Slater fails to teach transferring benefits monetary value stored at the benefits storage dvice to the at least one smart card…and writing the benefits monetary value to the at least one smart card. Applicant also argues that there is insufficient motivation to combine the teachings of McDonald and Slater.

The Examiner respectfully disagrees. Claim 1, states that the benefits storage device for storing information is part of the central computer. McDonald teaches that a smartcard includes account balance data corresponding to credit balances represent the value in a subaccount (column 13, lines 61 thru column 14, line 10). The actual subaccounts include benefits such as city transit (Figure 18 and column 14, lines 11-51). These subaccounts are part of the system control center which is analagous to the central computer (Figure 19 and 21 and column 14, lines 52-62). Value can be added to the remote smartcard subaccounts by using an ATM for example (column 16, line 64 thru column 17, line 17). A detailed example is the adding of value to the city transit subaccount of the remote smartcard (column 17, lines 52-65). McDonald also teaches emodying the smartcard for other benefits, such as those issued by the U.S. Government with food stamps, welfare payments, medicare and social security payments (column 24, lines 38-67). Therefore, McDonald contains value information of the benefits with no value explicitly stored on the smart card. Slater however teaches a sponsor funded stored value account in which the card attaches to I/O module for adding information and funds and also connecting the card with I/O module to retrieve account balances (column 5, lines 38-46). Slater teaches a variety of application including business expenses and government benefits (column 6, lines 50-61). The card can be funded with predetermined value and funds can be withdrawn (column 7, lines 15-25). Slater also teaches that the card can be a funded stored value card.

Therefore, the Examiner assets that McDonald in view of Slater teaches transferring benefits monetary value stored at the benefits storage dvice to the at least one smart card…and writing the benefits monetary value to the at least one smart card..

There is sufficient motivation to combine the teachings of McDonald with Slater because they both provide smart cards for processing benefits associated with a customer. Both teach funding the card for government benefit applications (McDonald: column 24, lines 47-67 and Slater: column 6, lines 50-56). Therefore both teach an easier process for providing multiple benefits to a customer by using a card to interact with a computer system for receiving benefits.